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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,436	05/17/1999	DAVID S. SPRINGER	M-7260US	3911

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EXAMINER

LE, KHANH H

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1/3

Office Action Summary	Application No. 09/313,436	Applicant(s) SPRINGER ET AL.	
	Examiner Khanh H. Le	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/3/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,8,9 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,8,9 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is responsive to the Correspondence field on 5/3/2005.

2. As requested, amendments to claims 1, and 26, have been entered.

Claims 1, 4-6, 8-9, and 26-31 are now pending in the application. Claims 1 and 26 are independent.

Claim Rejections 35 USC 112

3. Previous rejections of claims 1 and 26 and their dependents under 35 U.S.C. 112, first and second paragraphs, are withdrawn.

Response to Remarks

4. Applicant's arguments have been fully considered but they are not persuasive. Contrary to argument, all legally sufficient motivations to combine under 35 USC § 103 are provided (see below). Therefore a prima facie case has been made. The previous art references used are kept. Minor modifications are made to accommodate the amended claims.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 1, 4-5, 8-9, 26-28, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyot, US 6119098 herein Guyot in view of Jenkins, US 6285983, hereinafter Jenkins.

As to claims 1, 8, 26, and 30, Guyot discloses

A method of tracking information provided to a computer system from an advertisement database and associated server, the method comprising:

providing an identifier unique to the computer system, (see at least col. 3 lines 18-22, 25-30, 55-65 ; Fig. 3 and associated text),

the database associating the identifier with information specific to a computer user associated with the computer system (see at least Fig. 5 and associated text; col. 3 lines 18-22, 25-30, 55-65)

;

the computer user establishing a web connection with the server and transmitting the identifier to the database (see at least Fig. 5 and associated text);

the user logging on to a combination advertisement broker server(see at least Fig. 5 and associated text),

the computer system transmitting the identifier and requesting that a banner advertisement be displayed on the computer system (see at least col. 3 lines 25-30)

the database checking for the identifier (inherent in the system; see at least col. 3 lines 55-65) ;

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a counter accounting for the presence of the identifier (inherent in the system; a count of one is at least done; see at least col. 3 lines 55-65) ;

and

based on the number of times the database locates the identifier, the database:

determining which advertisements have been transmitted to the user (see at least Figs. 5, 8 and associated text; col. 8 lines 51-65, col. 6 line 64 to col. 7 line 11, col. 3 lines 64-col. 4 lines 16 : the server database counts each ad seen by each subscriber with each ad designed to be shown a particular subscriber a maximum number of times per subscriber and within a time period only; therefore by locating the subscriber ID, at least once, the server database can determine which advertisement not to send if already seen, and which new ads can be sent); and

based on the computer user associated with the identifier receiving a predetermined number of ads in a time period (see at least Figs. 5, 8 and associated text; col. 8 lines 51-65, col. 6 line 64 to col. 7 line 11, col. 3 lines 64-col. 4 lines 16) the user associated with the identifier receiving credits (see at least col. 6 lines 6-29).

Guyot discloses ads presented to a user from some merchant source and consumer remuneration as credits for viewing the ads. However Guyot does not specifically disclose the server is accessed by a computer manufacturer or that the credits given for viewing ads are discounts on advertised computer components from the manufacturer. However it would have been obvious to one skilled in the art at the time the invention was made to apply GUYOT's method to computer manufacturers to allow this type of merchants to use GUYOT's method. Further, it would have been obvious to one skilled in the art at the time the invention was made to substitute to GUYOT's credits given, discounts on advertised computer components for the manufacturers, in case these latter are involved, to provide credits in a form that is

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relevant to products that would obviously be likely to be advertised by such merchants, computer components.

Further, Guyot does not specifically disclose the identifier is stored on a (the user's) hard drive (claims 8 and 30) or is imbedded in the user computer hardware (claim 1) However, in the analogous advertising art, Jenkins discloses that

"As is known in the art, cookie files may be installed by a web site server on the computer hard disk drive of a browsing consumer" (see at least col. 1 lines 18-39).

It would have been obvious to one skilled in the art at the time the invention was made to install the cookie file on the user hard drive to implement the user ID method of Guyot because such cookie implementation technique is well-known (typical) as stated in Jenkins.

As to claims 4, 27 (dependent on claims 1 and 26 respectively), Guyot discloses the server hosting the advertisements and informational data (see at least the abstract, advertisements are also informational data).

As to claims 5 and 28 (dependent on claims 1 and 26 respectively), Guyot discloses the database searching and locating advertisements that match criteria provided by the computer user during a querying procedure (see at least col. 3 lines 55-65; Fig. 8 step S 601 and associated text)

As to claims 9 and 31 (dependent on claims 1 and 26 respectively), Guyot does not specifically disclose the information specific to the computer user includes one of incentives, bonuses and discounts on a plurality of goods , however it discloses targeted ads (abstract). Official Notice is taken that it is well-known and customary to advertisements often include promotional offers,

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such as product or service discounts and vouchers to promote consumption. It would have been obvious to one skilled in the art at the time the invention was made to add targeted discounts to Guyot's targeted ads for the above-stated advantage.

7. Claims 6 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyot in view of Jenkins, and further in view of Marsh et al. , US 5848397, herein Marsh.

As to claims 6 and 29 (dependent on claims 5 and 28 respectively), Guyot does not specifically disclose that if no matching criteria is found, the database transmitting one of generic advertisements and no advertisements. However, in analogous arts, Marsh discloses that default (generic) ads or no ads are displayed when no other criteria for display are met (see at least col. 13 lines 40-53) as a display default method. It would have been obvious to one skilled in the art at the time the invention was made to add this display default method to Guyot for the above-stated advantage.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 18, 2005



KHL


JAMES W. MYHRE
PRIMARY EXAMINER